

**DEFENDANT'S MOTION TO EXCLUDE
PLAINTIFF'S EXPERTS**

**EXHIBIT 4: Correspondence Regarding Production of
Witness Statements**

From: Gregory Brockwell
To: LaBarron Boone
Date: 1/24/06 12:01PM
Subject: RE: Roby v. Benton Express

Thank you.

>>> "LaBarron Boone" <labarron.boone@beasleyallen.com> 01/24/06 09:05AM >>>

Sorry for the delay. I have been out of town a bunch and just couldn't get to it. I will make time this week to look at it. I don't think I will object to your request to produce. I will let you know one way or the other this week.

-----Original Message-----

From: Gregory Brockwell [mailto:GAB@carrallison.com]
Sent: Tuesday, January 24, 2006 8:14 AM
To: LaBarron Boone
Cc: Brett Ross
Subject: Roby v. Benton Express

LaBarron,

This is to follow-up on your email below, which is the last we heard from you on this issue. What have you decided regarding our request that you produce the witness statements reviewed by M.P. Stirling? As set out in our motion to compel (Doc. No. 53), these statements became discoverable as soon as they were reviewed by Ms. Stirling. We would like to avoid filing a renewed motion to compel, but we will have no choice if you do not produce them.

Thanks,

Gregory A. Brockwell
Carr Allison
100 Vestavia Parkway
Birmingham, Alabama 35216
(205) 949-2916 Direct Dial
(205) 822-4058 Facsimile
Alabama - Birmingham, Dothan
Florence, Jasper & Mobile
Mississippi - Gulfport
www.carrallison.com

>>> "LaBarron Boone" <labarron.boone@beasleyallen.com> 01/12/06 05:46PM >>>

Hi, Bret. Let greg know will be available on monday to discuss Ds motion. I am leaning toward just producing the info you all requested instead of objecting.

CC: Brett Ross

From: Gregory Brockwell
To: LaBarron Boone
Date: 1/24/06 8:14AM
Subject: Roby v. Benton Express

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>>> "LaBarron Boone" <labarron.boone@beasleyallen.com> 01/12/06 05:46PM >>>

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CC: Brett Ross

From: Gregory Brockwell
To: LaBarron Boone
Date: 2/3/06 2:28PM
Subject: Re: Roby

LaBarron,

This is to follow up on your message below. Please let us know when we can expect the witness statements.

Thanks,

Gregory A. Brockwell
Carr Allison
100 Vestavia Parkway
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(205) 822-2006 Office
(205) 822-2057 Facsimile
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>>> "LaBarron Boone" <labarron.boone@beasleyallen.com> 01/27/06 03:19PM >>>

We will provide the stuff Ms. Stirling reviewed that concern witness account of what happened. Let Greg know.

LABARRON N. BOONE
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METHVIN, PORTIS & MILES, P.C.
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Website: www.beasleyallen.com
"Helping Those Who Need It Most For Over Twenty-Five Years"

CC: Brett Ross